

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 3:18-CV-00920-JMC
)	
Plaintiff,)	
)	
vs.)	
)	
\$29,950 IN UNITED STATES)	
CURRENCY,)	
)	
Defendant <i>in Rem</i>)	

CONSENT ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on April 5, 2018, concerning \$29,950 in United States currency (the “Defendant Currency”) seized on or about November 28, 2017, by the Sumter County Sheriff’s Department. The seizure was subsequently adopted by the United States Immigration and Customs Enforcement, Homeland Security Investigations (“ICE/HSI”).

The Government served the known potential claimant, Rashaun Brathwaite (“Claimant”), by providing him with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on April 5, 2018 (Docket Entry 5). As set forth in the Declaration of Publication filed with the court on May 9, 2018 (Docket Entry 9), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on April 7, 2018, and ending on May 6, 2018. Any person claiming an interest in the Defendant Currency was required to file a claim within sixty days after the first date of such publication (by June 6, 2018). All time limits for the

filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The United States and Rashaun Brathwaite have reached the following settlement. First, \$15,000.00 of the Defendant Currency is to be returned to Rashaun Brathwaite by the United States issuing an electronic funds transfer payment in that amount to a trust account held in the name of Vaeghese Summersett, PLLC, counsel for Claimant.¹ Second, the balance of the Defendant Currency, to wit, \$14,950, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

¹Federal law, codified at 31 U.S.C. § 3716 (the "Debt Collection Improvement Act of 1996"), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

1. All persons and entities other than Rashaun Brathwaite claiming any right, title or interest in or to the Defendant Currency are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Marshals Service shall return \$15,000 of the Defendant Currency by electronic funds transfer to a trust account held in the name of Vaeghese Summersett, PLLC, counsel for Claimant.

3. Pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C) and 21 U.S.C. § 881(a)(6), the balance of the Defendant Currency, to wit, \$14,950, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$14,950 of the Defendant Currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$14,950 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$14,950 of the Defendant Currency forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED this 12th day of November, 2018.

s/J. Michelle Childs
J. Michelle Childs
United States District Judge

Columbia, South Carolina